

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cordell Hackshaw	Team: Team # 2	CCRB Case #: 201014930	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/29/2010 8:45 PM	Location of Incident: 540 Sheffield Avenue	Precinct: 75	18 Mo. SOL 4/29/2012	EO SOL 4/29/2012	
Date/Time CV Reported Mon, 11/01/2010 10:52 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 11/01/2010 10:53 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Frantz Souffrant	29044	939510	075 PCT
2. POM Javier Munoz	10519	935373	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Rodney Greenidge	28511	932743	075 PCT
2. POM Ricardo Lewis	28846	936948	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Javier Munoz	Discourtesy: In front of § 87(2)(b) in Brooklyn, PO Javier Munoz spoke obscenely and/or rudely to § 87(2)(b)	
B.POM Frantz Souffrant	Abuse: In front of § 87(2)(b) in Brooklyn, PO Frantz Souffrant seized § 87(2)(b)'s property.	
C.POM Javier Munoz	Abuse: At the 75th Precinct stationhouse, PO Javier Munoz threatened to arrest § 87(2)(b) and § 87(2)(b)	

## Case Summary

§ 87(2)(b) filed this complaint via the Civilian Complaint Review Board (CCRB) website on November 1, 2010. On October 29, 2010, at approximately 8:45 p.m., in front of 540 Sheffield Avenue in Brooklyn, PO Franz Souffrant, PO Javier Munoz and PO Ricardo Lewis of the 75<sup>th</sup> Precinct stationhouse, approached § 87(2)(b) and § 87(2)(b). The following allegations resulted from the interaction.

**Allegation A – Discourtesy: In front of 540 Sheffield Avenue in Brooklyn, PO Javier Munoz spoke obscenely and/or rudely to § 87(2)(b)**

**Allegation B – Abuse of Authority: In front of 540 Sheffield Avenue in Brooklyn, PO Frantz Souffrant seized § 87(2)(b)'s property.**

**Allegation C – Abuse of Authority: At the 75th Precinct stationhouse, PO Javier Munoz threatened to arrest § 87(2)(b) and § 87(2)(b) § 87(2)(g)**

§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

## Results of Investigation

### Civilian Statements

**Witness:** § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) black male who is 5'11" tall, weighs 220lbs with black hair and brown eyes. § 87(2)(b)

### CCRB Statement

The CCRB interviewed § 87(2)(b) on November 10, 2010 (Encl. B4-B6). On October 29, 2010, at approximately 8:45 p.m., in front of 544 Sheffield Avenue, in Brooklyn, § 87(2)(b) and his nephew, § 87(2)(b) § 87(2)(b) § 87(2)(b) were in § 87(2)(b)'s car, a 2003 G-35 pearl white Infiniti. The car was a recent purchase and § 87(2)(b) and § 87(2)(b) were inside discussing the vehicle. § 87(2)(b) sat in the driver's seat and § 87(2)(b) in the front passenger seat. The ignition was on in order to provide heat inside the car. The lights, which are engaged when the vehicle is in the park position, along with the dashboard lights were on. The radio was also playing in the car, but it was not loud. § 87(2)(b) and § 87(2)(b) were neither drinking nor smoking inside the car. Fifteen minutes into their conversation, three plainclothes officers approached the car. The officers were identified through investigation as PO Richard Lewis, PO Franz Souffrant and PO Javier Munoz. The officers had flashlights, which they used to look into the car.

PO Lewis and PO Souffrant initially approached the vehicle and both were calm in their demeanor. PO Munoz was very aggressive from the beginning. They asked § 87(2)(b) and § 87(2)(b) to roll down all the windows and provide ID. They provided ID and § 87(2)(b) asked why they were being stopped. The officers did not provide an explanation. § 87(2)(b) did not provide his driver's license but a photo ID. The officers demanded a driver's license from § 87(2)(b) who replied that it was in his vehicle. PO Lewis who was on § 87(2)(b)'s side explained to PO Munoz that § 87(2)(b) lived on the block, one house down. § 87(2)(b) and PO Munoz got into a verbal dispute. § 87(2)(b) did not recall what exactly was being said between the two but they were loud and arguing. As the argument between the two escalated, the officers asked both § 87(2)(b) and § 87(2)(b) to get out of the car. PO Lewis told § 87(2)(b) to go to § 87(2)(b)

§ 87(2)(b) vehicle in order to retrieve his driver's license. § 87(2)(b) complied and when he returned, he saw § 87(2)(b) in handcuffs. Later in the incident, the officers explained that § 87(2)(b)'s car had illegal tints. § 87(2)(b) explained that the tints were factory issued tints. No summonses were ever issued to § 87(2)(b) or § 87(2)(b) was never physically combative with any of the officers.

§ 87(2)(b)'s wife, came outside and approached § 87(2)(b) and asked what was going on. PO Munoz screamed at § 87(2)(b) and questioned who she was. § 87(2)(b) replied that she did not have to answer. PO Munoz then decided that he was taking the car in as well as § 87(2)(b). He instructed PO Lewis to drive the car back to the stationhouse. § 87(2)(b) continued to ask why was the car being confiscated. PO Munoz explained that since § 87(2)(b) was being arrested and was on the driver's side of the car, the car was going to the stationhouse. § 87(2)(b) showed the officers the vehicle's registration which was in her name and not in § 87(2)(b) name. The officers did not react and drove off with the car and § 87(2)(b) in the patrol vehicle.

§ 87(2)(b) and § 87(2)(b) went to the 75<sup>th</sup> Precinct stationhouse where they got back the car. However, they went back to the stationhouse again later that night to get the officers' names and badge numbers. § 87(2)(b) was finally able to get the information. While at the stationhouse, PO Munoz told § 87(2)(b) and § 87(2)(b) that if he were to see them again, he was going to arrest them again. They left the stationhouse.

**Complainant/Victim:** § 87(2)(b)

- § 87(2)(b) -old black female who is 5'2" tall, weighs 127lbs with brown hair and brown eyes. At § 87(2)(b)

**CCRB Statement**

She was interviewed by the CCRB on November 10, 2010 (Encl. B7-B10). On October 29, 2010, at approximately 8:45 p.m., § 87(2)(b) was at home, 540 Sheffield Avenue in Brooklyn, when she received a call from her cousin, § 87(2)(b), who lived next door. § 87(2)(b) stated that § 87(2)(b) and § 87(2)(b) were outside of the residence and something was going on. § 87(2)(b) went outside immediately.

§ 87(2)(b) saw § 87(2)(b) and § 87(2)(b) interacting with three males, identified as PO Souffrant, PO Lewis and PO Munoz. § 87(2)(b) was on the driver's side in handcuffs and was not resisting. § 87(2)(b) approached § 87(2)(b) and asked what was going on. PO Munoz asked § 87(2)(b) who she was. When § 87(2)(b) asked why she was being questioned, PO Munoz replied, "I don't have time for this shit." § 87(2)(b) told him she did not know who he was and why she needed to talk to him. PO Munoz then said he did not have time to deal with her and was going to take her vehicle. § 87(2)(b) asked what he meant by taking the car. PO Munoz did not respond to the question. PO Souffrant and PO Lewis explained that they were taking the car because § 87(2)(b) was in the car. PO Lewis told § 87(2)(b) to just go down to the stationhouse to get her car and § 87(2)(b) went into the car and got documents to prove she was the owner of the vehicle but the officers did not listen to her. § 87(2)(b) kept asking for an explanation as to what was going on but the officers insisted that they were taking the car. The officers placed § 87(2)(b) in their unmarked patrol car and PO Lewis drove her car away.

§ 87(2)(b) went to the 75<sup>th</sup> Precinct stationhouse and the car was later released. On her way home, § 87(2)(b) realized she did not have the names and badge numbers of the officers so she went back to the stationhouse. A sergeant, identified as Sgt. Terrence Creighton, provided

her with the officers' information. PO Munoz also came up to § 87(2)(b) and § 87(2)(b) who was also present and told them he would arrest them if he were to see them again.

### **Attempts to Contact Civilian**

On November 22, 2010, § 87(2)(b) scheduled an appointment for November 30, 2010 but did not show up at his appointed time. He did not call to cancel and/or reschedule. The CCRB sent § 87(2)(b) a missed appointment letter on November 30, 2010. The CCRB contacted § 87(2)(b) on December 2, 2010, at which time, he scheduled another appointment for December 6, 2010. § 87(2)(b) missed his second scheduled appointment and did not call to cancel and/or reschedule. Given that § 87(2)(b) missed two scheduled appointments, the investigation proceeded absent his testimony.

### **NYPD Statements:**

#### **Subject Officer: POLICE OFFICER FRANZ SOUFFRANT**

- § 87(2)(b) -old black male who is 5'11" tall, weighs 215lbs with black hair and brown eyes.
- On October 29, 2010, PO Souffrant worked from 3:00 p.m. to 11:35 p.m. with PO Munoz and PO Lewis. They were assigned to Conditions, dressed in plainclothes and in an unmarked patrol car, #623.

### **Memo book**

On October 29, 2010, at 8:50 p.m. A car stop at Sheffield and Riverdale for tinted windows. All four windows are tinted below 78%. PO Souffrant approached the vehicle on the driver side and requested the driver to lower all windows. The driver partially lowered his window and stated, "What do you want?" PO Souffrant repeated his request multiple times before he lowered all windows. PO Souffrant asked the driver for his driver's license and registration. The driver stated that he did not have his license and added "Don't you know who the fuck I am? My mother is a ADA. You better back the fuck up." PO Souffrant told the driver that he was not intimidated by his mother's profession and asked the driver to step out of the vehicle. The driver refused to comply.

PO Souffrant inserted his hand to unlock the door to open the driver door but the driver kept pressing the lock button. PO Souffrant finally opened the door and pulled the driver out of the vehicle at which time he began cursing at the officers. "All you fucking cops do is stop and profile black people. Y'all are fucking racist." A crowd began to gather and the driver was placed under arrest. The driver was later identified as § 87(2)(b). While he was being placed in a patrol car, a female approached the officers stating that the vehicle was hers. PO Souffrant requested a driver's license to identify who she was and she objected to identify herself. PO Souffrant told her that if she is the true owner of the vehicle to go to the stationhouse with her identification. She became upset and stated that officers were not taking her car. PO Souffrant told her that if she obstructed the officers taking her car, she will be placed under arrest. She then complied and moved away from the vehicle. She was later identified as § 87(2)(b) (Encl. D1-D4).

### **CCRB Statement**

The CCRB interviewed PO Souffrant on May 3, 2012 (Encl. D5-D7). On October 29, 2010, at approximately 8:50 p.m., PO Munoz, PO Souffrant and PO Lewis were patrolling in an unmarked vehicle. PO Munoz was driving with PO Souffrant in the front passenger seat and PO Lewis in the back seat. PO Souffrant observed a vehicle parking in front of a fire hydrant at Sheffield and Riverdale Avenues in Brooklyn and as they drove passed the car, PO Souffrant also saw that the vehicle had tinted windows. PO Souffrant indicated to PO Munoz to reverse so that

he could initiate a car stop. PO Souffrant approached the vehicle but it had already stopped on its own accord. Police intervention did not result in the vehicle being stopped although PO Munoz put on the lights of the patrol car. PO Souffrant only saw one occupant inside the car and did not recall another civilian being present. PO Souffrant did not recognize § 87(2)(b) from a photograph taken at the CCRB. PO Souffrant told PO Munoz to tell the driver over the loud speaker to lower all the windows, turn off the ignition and to take his foot off the pedals. PO Souffrant and the other officers exited the patrol car. PO Souffrant approached the driver side as he has had training in tint resolution. All four windows were tinted and PO Souffrant could not see in from the outside. PO Souffrant asked § 87(2)(b) for identification. PO Munoz was on the passenger side of the vehicle and PO Lewis was towards the back of the civilian's vehicle.

PO Souffrant asked the driver, § 87(2)(b) to lower the window. § 87(2)(b) partially lowered it. PO Souffrant asked him multiple times to lower the window completely until § 87(2)(b) complied. PO Souffrant did not recall the exact number of times he had to ask § 87(2)(b) to lower the window before he complied. § 87(2)(b) was "hostile" towards PO Souffrant. PO Souffrant asked for § 87(2)(b) identification but he stated that he did not have his license. § 87(2)(b) then added, "Don't you know who the fuck I am? My mother is a ADA. You better back the fuck up." This went on for about ten minutes before PO Souffrant decided that § 87(2)(b) needed to be out of the vehicle. He inserted his hands through the window to unlock the car. However, § 87(2)(b) kept re-locking despite PO Souffrant's repeated attempts to unlock the door. Eventually, PO Souffrant pulled § 87(2)(b) out of the car and placed him under arrest. § 87(2)(b) was arrested because he did not have a driver's license. PO Souffrant could not determine his identity. PO Souffrant did not recall there being any discussion of § 87(2)(b) having someone else retrieve his identification. He was also being charged with obstructing governmental services and resisting arrest. PO Souffrant placed § 87(2)(b) in handcuffs.

§ 87(2)(b) did approach the scene and state that the car belonged to her. § 87(2)(b) was already in handcuffs and was being placed in the patrol car when § 87(2)(b) arrived on the scene. PO Souffrant decided that the vehicle was going to be taken into custody for safekeeping. PO Souffrant made this decision based on the fact that the vehicle was parked in front of a fire hydrant, the owner of the vehicle was unknown and § 87(2)(b) at this point was unidentified. § 87(2)(b) also operated a vehicle with tinted windows. PO Souffrant was sure that he asked § 87(2)(b) for his name and he did not provide it to him. However, he did not recall how § 87(2)(b) identity was determined in the end. The officers did not run a vehicle check through the Department of Motor Vehicles database. However, when PO Souffrant asked § 87(2)(b) for proof of ownership, § 87(2)(b) became belligerent and offered no proof. § 87(2)(b) made the assertion that § 87(2)(b) was being arrested because he was black. Eventually PO Souffrant told her that she should bring any documentation that she had to the stationhouse where the car will be released to her. § 87(2)(b) moved away from the vehicle when PO Souffrant told her that she could be arrested for obstructing of governmental service. PO Souffrant did not recall PO Munoz having any interaction with § 87(2)(b) on the scene. PO Souffrant did not recall any other officer threatening to arrest § 87(2)(b). PO Souffrant recalled seeing § 87(2)(b) at the stationhouse but did not interact with her then.

**Subject Officer: POLICE OFFICER JAVIER MUNOZ**

- § 87(2)(b) -old Hispanic male who is 5'7" tall, weighs 185lbs with black hair and brown eyes.
- PO Munoz worked from 3:00 p.m. on October 29, 2010 to 8:00 a.m. on October 30, 2010. He was assigned to the 75<sup>th</sup> Precinct Conditions team working PO Ricardo Lewis and PO Frantz Souffrant. They were all dressed in plainclothes and in a black Crown Victoria unmarked patrol car.

### Memo book

At 8:50 p.m., two males were stopped at the intersection of Sheffield and Riverdale Avenues. One of the males was arrested for obstruction of governmental services and disorderly conduct. At 11:00 p.m., PO Munoz returned to the 75<sup>th</sup> Precinct stationhouse for arrest processing (Encl. D8-D10).

### Omniform Complaint and Arrest Reports

§ 87(2)(b) was arrested on October 29, 2010 at approximately 8:50 p.m. at the corner of Sheffield and Riverdale Avenues in Brooklyn. He was charged with obstructing governmental administration, disorderly conduct and windshield tint violation (Encl. D11-D15).

### CCRB Statement

The CCRB interviewed PO Munoz on February 23, 2011 (Encl. D16-D17). There were two male occupants in the car, one on the driver's side, § 87(2)(b) and the other on the front passenger side, § 87(2)(b). PO Souffrant went to the driver's side, PO Lewis went to the passenger side and PO Munoz went to the front of the car so that he could see inside of the car. § 87(2)(b) refused to lower his window despite repeated commands from PO Souffrant to do so. § 87(2)(b) began screaming at PO Souffrant though PO Munoz could not hear clearly what was being said. After repeated commands for him to lower the window, § 87(2)(b) finally complied and soon after, PO Souffrant asked him to step out of the car. § 87(2)(b) did so voluntarily but repeatedly yelled, "Fuck you! Arrest me motherfuckers!" repeatedly to the officers. PO Munoz then walked over to the driver's side to assist PO Souffrant. Both PO Souffrant and PO Munoz asked § 87(2)(b) to calm down, but he did not. § 87(2)(b) was compliant with the officers and attempted to calm § 87(2)(b) but § 87(2)(b) continued to be loud and hostile. Given that § 87(2)(b) continued to be belligerent, it was decided by the officers that he should be placed under arrest. PO Munoz did not recall if either he or PO Souffrant placed § 87(2)(b) in handcuffs. PO Munoz did not recall whether the occupants were asked for ID or whether they provided any. PO Munoz did not recall whether § 87(2)(b) left the scene during the incident to retrieve § 87(2)(b) ID.

PO Munoz did not recall at what point during the incident § 87(2)(b) arrived on the scene but it appeared as though she knew both § 87(2)(b) and § 87(2)(b). During the interaction, § 87(2)(b) stated that the car belonged to her. PO Munoz asked her for proof of ownership, which she was unable to provide. § 87(2)(b) never left the scene to get the paperwork. PO Munoz did not recall why she was unable to provide proof of ownership but as they waited, more people were coming onto the scene. In order to avoid an escalation of the scene, PO Munoz told § 87(2)(b) that she had to come down to the stationhouse in order to prove ownership of the car as they were taking the car. It was decided that the car was going to be taken to the stationhouse as no one could prove ownership of the car and § 87(2)(b) was arrested with the car. There was also no paperwork on the car. The officers took the car to the 75<sup>th</sup> Precinct stationhouse. § 87(2)(b) later came into the stationhouse and the car was released to her by another officer. § 87(2)(b) asked PO Munoz for his name and badge number which he provided to her. PO Munoz did not make a threat to arrest § 87(2)(b).

### Witness Officer: POLICE OFFICER RICARDO LEWIS

- § 87(2)(b) -old black male who is 5'11" tall, weighs 235lbs with black hair and brown eyes.
- He was working with PO Javier Munoz and PO Frantz Souffrant as the observation post of the 75<sup>th</sup> Precinct SNEU team. They were in plainclothes in a black unmarked Crown Victoria.

### Memo book

PO Lewis had no memo book entries regarding the incident (Encl. D21-D22).

### CCRB Statement

The CCRB interviewed PO Lewis on March 11, 2011 (Encl. D23-D24). As PO Lewis, PO Munoz and PO Souffrant were driving past 540 Sheffield Avenue, they noticed a vehicle in a parked position going back and forth. As the officers passed the car, the vehicle stopped. All three officers made the observation. The officers thought that the occupants in the vehicle recognized their vehicle as a patrol car and stopped for that reason. The officers felt that this was “weird” and decided to investigate the matter. They parked the patrol car in front of the car. All three officers exited their vehicle with their shields out. PO Lewis went to the passenger side of the vehicle; PO Souffrant approached the driver’s side, which opened up into the street with PO Munoz in the front of the car. PO Munoz stood in front of the car so as to be able to see inside the car as the vehicle’s tint was dark, preventing officers from seeing through the sides of the car. PO Lewis asked the passenger, § 87(2)(b) to lower the window, which he did. PO Lewis did not recall whether he asked § 87(2)(b) for identification. PO Lewis did not recall whether PO Souffrant or PO Munoz asked § 87(2)(b) for identification. He also did not recall whether § 87(2)(b) was asked to retrieve § 87(2)(b) identification. At this point, § 87(2)(b) came onto the scene and became combative. She was using profanity as she was addressing the officers. The scene was becoming rather chaotic as both § 87(2)(b) and § 87(2)(b) were being disorderly. The officers decided to place § 87(2)(b) under arrest in order to avoid further interaction on the street as more and more civilians began gathering on the scene.

§ 87(2)(b) began making statements such as, “Fuck that. Why are you all arresting him? Why are you all harassing him?” The officers told § 87(2)(b) that she was not a witness to the entire incident and had to calm down. § 87(2)(b) was still upset and he was saying as well, “Fuck the cops!” § 87(2)(b) asked § 87(2)(b) to calm down. § 87(2)(b) kept insisting that the car belonged to her but the officers asked her to provide proof of ownership. The officers added that if no proof of ownership was provided, the car would be taken to the stationhouse. PO Lewis recalled specifically PO Munoz speaking to § 87(2)(b) telling her that if she produced paperwork proving that the car belonged to her; it would be released to her on the spot. PO Lewis did not recall § 87(2)(b) making any assertion that he owned the car. It was a group decision amongst him and the other two officers to take the car into custody. § 87(2)(b) shouted that she was not showing “fucking shit” to the officers and that the car belonged to her. § 87(2)(b) never presented any proof of ownership. At one point, § 87(2)(b) stated that she left her identification in the house and did not want to return to get it.

PO Lewis got in civilian’s car to drive it back to the stationhouse. § 87(2)(b) got in front of the car and refused to move. § 87(2)(b) continued using profanity. PO Lewis told § 87(2)(b) to get § 87(2)(b) due to her demeanor. Eventually, § 87(2)(b) calmed down and the officers left. § 87(2)(b) stated that she was going to go to the stationhouse. The officers met with Sgt. Creighton several blocks away. He verified the arrest and the officers told him that they seized the car.

PO Lewis later saw § 87(2)(b) at the stationhouse. § 87(2)(b) was interacting with Sgt. Creighton at the time. She asked him for their information. Sgt. Creighton provided § 87(2)(b) with the officers’ information. PO Lewis never spoke to § 87(2)(b) at the stationhouse. PO Lewis never heard PO Munoz use any type of profanity towards § 87(2)(b) or threaten to arrest her.

**Witness Officer: POLICE OFFICER RODNEY GREENIDGE**

- § 87(2)(b) -old black male who is 6'3" tall, weighs 206lbs with black hair and brown eyes.
- On October 29, 2010, PO Greenidge worked from 7:05 a.m. to 3:40 p.m. as the Highway Safety Officer. He never left the confines of the 75<sup>th</sup> Precinct stationhouse. He did not work overtime on the day of this incident and was never in the vicinity of 540 Sheffield Avenue.

**CCRB Statement**

The CCRB interviewed PO Greenidge on January 12, 2011 (Encl. D25-D26). PO Greenidge did not have any memo book entries regarding this incident as he was not present for this incident (Encl. D23-D24).

**NYPD Documents**

**SPRINT**

There was no SPRINT record regarding this incident (Encl. H2).

**Other Evidence**

Google Maps images show that there is no fire hydrant in front of 540 Sheffield Avenue but instead it is in front of 537 Sheffield Avenue, which is across the street (Encl. A-B).

§ 87(2)(b), § 87(2)(a) 160.50

**Status of Civil Proceedings**

- Neither § 87(2)(b) nor § 87(2)(b) has filed a Notice of Claim with the City of New York as of June 21, 2012, with regard to the incident (Encl. G4).

**Civilians' Criminal History**

- As of June 21, 2012, the Office of Court Administration records reveal no criminal convictions for § 87(2)(b) and § 87(2)(b) (Encl. E16-E28).

**Civilians' CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (Encl. Encl. A5-A7).

**Subject Officers' CCRB History**

- PO Munoz has been a member of the service for seven years and there are no substantiated CCRB allegations against him (Encl. A2-A4):
- PO Souffrant has been a member of the service for six years and there are three substantiated CCRB allegations against him (Encl. A1):
  - In case 201007219, the CCRB substantiated charges of vehicle search, frisk and person stopped. The board recommended charges be filed against PO Souffrant. The NYPD has not made a final decision regarding the matter.

**Conclusion**

**Identification of Subject Officers**

- PO Munoz acknowledged interacting with § 87(2)(b)
- PO Souffrant acknowledged interacting with § 87(2)(b)



## **Investigative Findings and Recommendations**

### **Allegations Not Pleaded**

As § 87(2)(b) was charged with having illegal tints on the car, PO Souffrant, PO Munoz and PO Lewis had probable cause to approach the vehicle and initiate contact. Therefore, no stop allegation is pleaded.

### **Allegation A – Discourtesy: In front of 540 Sheffield Avenue in Brooklyn, PO Javier Munoz spoke obscenely and/or rudely to § 87(2)(b)**

§ 87(2)(b) stated that PO Munoz told her, “I don’t have time for this shit.” PO Munoz stated that he never spoke discourteously to § 87(2)(b). However, the officers contend that it was § 87(2)(b) who was acting disorderly on the scene. § 87(2)(b) never made any discourtesy allegations against PO Munoz. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

### **Allegation B – Abuse of Authority: In front of 540 Sheffield Avenue in Brooklyn, PO Frantz Souffrant seized § 87(2)(b) s property.**

§ 87(2)(b) stated that the car was legally parked in front of 540 Sheffield Avenue when officers approached him and § 87(2)(b). When it became known that the officers intended to take the vehicle to the stationhouse, § 87(2)(b) stated that she told the officers that the car belonged to her and showed the necessary paperwork to the officers who she stated ignored this evidence. § 87(2)(b) corroborated § 87(2)(b) s account of the incident.

The officers were adamant that at no point did § 87(2)(b) offer any proof of ownership though she repeatedly told them that the car belonged to her. PO Souffrant was the only officer who stated that the car was illegally parked in front of the a fire hydrant and he added that since the ownership of the car was dubious and § 87(2)(b) was initially in the car, which had illegal tints, it was best to take the car and sort out the matter at the stationhouse.

A check of Google Maps (Encl. A-B) showed that there is no fire hydrant in front of 540 Sheffield Avenue but that it is across the street in front of 537 Sheffield Avenue. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

### **Allegation C – Abuse of Authority: At the 75th Precinct stationhouse, PO Javier Munoz threatened to arrest § 87(2)(b)**

§ 87(2)(b) and § 87(2)(b) stated that at the stationhouse, PO Munoz threatened to arrest them if he were to see them again. PO Munoz stated that he only provided his information to § 87(2)(b) and made no threats to either her or § 87(2)(b). PO Souffrant stated that he threatened to arrest § 87(2)(b) but at the initial scene as she was acting disorderly. PO Souffrant and PO Lewis both stated that they did not recall PO Munoz threatening to arrest § 87(2)(b) and § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Team: 2

Investigator:	_____	<u>Cordell Hackshaw</u>	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date